

1 Paul B. Nesbitt, Esq. (SBN 064432)  
paul@nesbittlawllp.com  
2 Todd A. Nesbitt, Esq. (SBN 245295)  
todd@nesbittlawllp.com  
3 **NESBITT & NESBITT, LLP**  
4 9171 Wilshire Boulevard, Suite 400  
Beverly Hills, California 90210-5516  
5 Phone: (310) 777-0448  
Facsimile: (310) 777-0441

6 Lauren J. Harrison, Esq.  
lharrison@joneswalker.com  
7 C. Veronica Rivas, Esq.  
crivas.molloy@joneswalker.com  
8 **JONES WALKER LLP**  
9 1001 Fannin Street, Suite 2450  
Houston, Texas 77002  
10 Phone: (713) 437-1800  
Facsimile: (713) 437-1810

11  
12 Attorneys for Defendants FUNimation Productions, Ltd.  
d/b/a FUNIMATION Entertainment and Gen Fukunaga  
13

14 **IN THE UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**  
16

17 NICHOLAS LYON, an individual,  
18 Plaintiff,  
19 vs.

CASE NUMBER: SACV 13-1322  
MWF (AJWx)

20  
21 FUNIMATION PRODUCTIONS, LTD,  
dba FUNIMATION ENTERTAINMENT;  
22 AMERICAN UNITED MEDIA, LLC, dba  
IFA DISTRIBUTION; ROBERT  
23 RODRIGUEZ, as an Individual; GEN  
FUKUNAGA, as an Individual; GIANT  
24 APE MEDIA; BULLET FILM  
PRODUCTION COMPANY, LLC, and  
25 DOES 1 through 50,

26 Defendants.  
27  
28

**DEFENDANT BULLET FILM  
PRODUCTION COMPANY, LLC'S  
NOTICE OF JOINDER AND  
JOINDER IN FUNIMATION  
PRODUCTIONS, LTD D/B/A  
FUNIMATION ENTERTAINMENT  
AND GEN FUKUNAGA'S NOTICE  
OF MOTION AND CORRECTED  
MOTION TO DISMISS;  
MEMORANDUM OF POINTS AND  
AUTHORITIES FED. R. CIV. P.  
12(b)(1)-(6), 9(b), AND THE FIRST-  
FILED DOCTRINE**

Judge: Hon. Michael W. Fitzgerald  
Date: November 4, 2013  
Time: 9:00 a.m.  
CTRM: 1600 – Sixteenth Floor  
Trial Date: None Set

**TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

PLEASE TAKE NOTICE that on December 9, 2013, at 10:00 a.m., or as soon thereafter as counsel may be heard in the above-titled referenced matter, Defendant Bullet Film Production Company, LLC (“Bullet LLC”), subject to any and all procedural and jurisdictional defenses, will and hereby does join in FUNimation Productions, Ltd. d/b/a FUNimation Entertainment and Gen Fukunaga’s (collectively, “Defendants”) Notice of Motion and Corrected Motion to Dismiss to be heard on the above-noted date before the Honorable Michael W. Fitzgerald, United States District Judge, in Courtroom 1600 of the United States District Court for the Central District of California, located at 312 N. Spring Street, Los Angeles, California 90012, seeking dismissal of Plaintiff’s complaint.

Defendant Bullet Film Production Company, LLC fully adopts and incorporates, as if made herein, all of the arguments set forth in Defendants’ Notice of Motion and Corrected Motion to Dismiss and accompanying Memorandum of Points and Authorities pursuant to Federal Rules of Civil Procedure 12(b)(1)-(6), 9(b), and the first-filed doctrine on the grounds that (1) the same substantive issues that are pending before this Court are pending in the first-filed case pending in the United States District Court for the Eastern District of Texas; (2) this Court lacks subject matter jurisdiction over this action; (3) the Court lacks personal jurisdiction over Bullet LLC and Defendants; (4) this forum is an improper venue as all claims are committed exclusively to arbitration in Galveston, Texas; and (5) the complaint fails to state a claim for which relief can be granted.

1 Dated: November 7, 2013

Respectfully submitted,

2  
3 **JONES WALKER LLP**

4 Lauren J. Harrison

5 **NESBITT & NESBITT, LLP**

6 Paul B. Nesbitt

7  
8 By: /s/ Paul B. Nesbitt  
9 Paul B. Nesbitt, Esq.

10 Attorneys for Defendants  
11 FUNimation Productions, Ltd. d/b/a  
12 FUNimation Entertainment, Gen Fukunaga,  
13 and Bullet Film Production Company, LLC  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 7th day of November, 2013, a true and correct copy of the foregoing instrument was forwarded to counsel for Plaintiff via CM/ECF, and/or electronic mail, and/or certified mail, return receipt requested, postage prepaid and properly addressed as follows:

Patricia A. Kinaga

Drew Alexis

Daniel Ho

Woo Jean Chung

KINAGA LAW FIRM

617 South Olive Street, Suite 1210

Los Angeles, CA 90014

Attorney for Nicholas Lyon

/s/ Paul B. Nesbitt

PAUL B. NESBITT